

DoJ welcomes special examination for legal practitioners in Greater Bay Area

The Standing Committee of the National People's Congress (NPCSC) today (August 11) passed the decision on authorising the State Council on the implementation of pilot measures for Hong Kong and Macao legal practitioners to obtain Mainland practice qualifications and to practise as lawyers in the nine Pearl River Delta municipalities in the Guangdong-Hong Kong-Macao Greater Bay Area. The Department of Justice welcomes the decision, which would be conducive to the expansion of professional service by the local legal sector in the Greater Bay Area.

The Secretary for Justice, Ms Teresa Cheng, SC, said, "I am most grateful to the Central Government for launching such an arrangement, which allows eligible Hong Kong legal practitioners to practise in specific areas of Mainland law upon passing a special examination and obtain the practice qualifications in the nine Pearl River Delta municipalities in the Greater Bay Area. This will further promote Hong Kong as an international legal and dispute resolution services centre in the Greater Bay Area. I believe that more facilitation and opportunities will be available for Hong Kong's legal sector in the Greater Bay Area upon implementation of the measure."

According to the Agreement Concerning Amendment to the CEPA Agreement on Trade in Services signed by the Mainland and Hong Kong in November last year, Hong Kong legal practitioners, upon passing a special examination, will be qualified to practise in specific areas to provide Mainland civil and commercial legal services in the nine Pearl River Delta municipalities in the Greater Bay Area. The measure will be implemented on a three-year pilot basis.

Under the liberalisation measures for early and pilot implementation in the Greater Bay Area, the Department of Justice of Guangdong Province announced in July last year the "Trial Measures of the Department of Justice of Guangdong Province on Hong Kong Law Firms and Macao Law Firms Operating in the Form of Partnership Association with Mainland Law Firms in Guangdong Province (2019 Revision)" (the Trial Measures). Further liberalisation measures relating to partnership associations set up between Mainland and Hong Kong law firms in the Guangdong Province were implemented, including the removal of the minimum capital injection ratio of 30 per cent by Hong Kong partner firms in the partnership associations set up between Mainland and Hong Kong law firms, as well as allowing Mainland and Hong Kong lawyers to be employed direct in the partnership associations' own name.

There are currently 12 partnership associations in Guangdong Province. It is anticipated that more Hong Kong and Mainland law firms, especially small and medium-sized firms, will consider establishing partnership

associations in the future to provide a one-stop shop of cross-jurisdictional legal services in the Mainland. By enabling Hong Kong legal practitioners to practise in specific areas of Mainland law in the nine Pearl River Delta municipalities in the Greater Bay Area upon obtaining the qualification, more professional talents will be available for the partnership associations. The arrangement fully complements the Trial Measures.

Ms Cheng noted that the liberalisation measures for early and pilot implementation are conducive to promoting the development of a multi-faceted dispute resolution mechanism based on wide consultation, joint contribution and shared benefits, which is laid out in the Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area. Ms Cheng expressed her gratitude to the legal organisations and representatives from the legal sector, including the Small and Medium Law Firms Association of Hong Kong and the Law Society of Hong Kong, for their staunch support for the introduction of the special examination measure by reflecting the sector's opinions and providing suggestions.